

April 17, 2023

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18C
New York, NY 10007

Re: Bragg v Jordan
Case No. 1:23-cv-03032

Dear Judge Vyskocil:

In this friend of the court letter, I am providing overwhelming evidence to this Court for why it must swiftly deny the relief being sought by Manhattan District Attorney Alvin Bragg.

The 48 letters enclosed attached as Exhibits 1 through 5 prove definitively that at the same exact time Manhattan District Attorney Alvin Bragg, New York State Attorney General Letitia James, FBI Director Christopher Wray, and United States Attorney General Merrick Garland are going after former President Donald Trump with criminal charges, these same four individuals are colluding together with criminal intent to help numerous politically-connected people, including a different New York City developer, get away with two different horrific and indisputable crimes against me and my family that wiped out our life savings of over \$2.3 million dollars on September 5, 2018. These are true are false statements which can only be answered as true by any objective observer after reading this letter and the attached 48 letters found in Exhibits 1 through 5.

The attached letters also prove The United States Attorney for the Southern District of New York, Damian Williams. is culpable in these two obvious and horrific crimes by sitting silent and hoping that his silence will help the perpetrators get away with the two crimes detailed in the 10 letters received by Alvin Bragg, Letitia James, and Merrick Garland from July 2022 through November 2022, and in the eight letters received by Christopher Wray in this same time period.

- The ten letters written to Alvin Bragg are Exhibit One.
- The ten letters written to Letitia James are Exhibit Two.
- The ten letters written to Damian Williams are Exhibit Three.
- The ten letters written to Merrick Garland are Exhibit Four.
- The eight letters written to Christopher Wray are Exhibit Five.
- Exhibit Six is the Complaint in the case *James H. Brady v. Merrick B. Garland*, 23-cv-00212, which is currently before Judge Amit P. Metha in the District of Columbia. The Complaint proves that Mr. Garland is so anti-Catholic that even when sued, he refuses to follow his sworn duty to treat white Catholics fairly and evenly.

A review of all of these 48 letters prove that my claims are very simple to understand and are so clear and obvious that they are indisputable, which is why every single letter was completely ignored by Mr. Bragg, Ms. James, Mr. Williams, Mr. Wray and Mr. Garland. Other people that received many of these same letters and did nothing in reply include New York City Mayor Adams, Jerry Nadler, and others who had a duty to act.

The first crime all five of these law enforcement individuals are colluding in is the honest services fraud scheme of completely ignoring, for the benefit of New York City Developer Jeffery Katz from Sherwood Equities, that fact that my 1980 Offering Plan Contract and higher Appellate Court Decision from February 11, 2010, were being unlawfully and unconstitutionally replaced with a lower New York Supreme Court decision from July 15, 2014. The lower Court Decision unlawfully and unconstitutionally voided what these governing decisions said on their face. The fact that this unlawful and unconstitutional crime took place is proven very simply below.

The Seventh Paragraph Footnote to the Schedule of Units in the 1980 Offering Plan for a commercial co-op apartment read as follows:

“Seventh Paragraph - NEW- The 12th Floor and Roof Unit Shall have, in addition to the utilization of the roof, the right to construct or extend structures on the roof or above the same, to the extent that may from time to time be permitted under applicable law.”

The Appellate Division, First Department, February 11, 2010 Decision ended with the following words:

Pursuant to paragraph 7, that plaintiffs have the right to construct or extend structures upon the roof or above the same to the extent that may from time to time be permitted under applicable law, unanimously affirmed, without costs.

In her July 15, 2014 Decision, Justice Kornreich unlawfully rewrites the Offering Plan Contract and the higher Appellate Court decision to say the following:

It has already been adjudged that while the owners of the unit may have the right to erect additional structures on the roof, that right does not entitle them to use any floor area in doing so (Prior Action, decision and order, Mar 13, 2009 at *2 & *4-*5 [“Nothing herein shall be construed as holding that plaintiffs have the right to use all or any part of the TDRs in connection with such construction or extension”] Brady v 450 W. 31st St. Owner’s Corp., 70 AD3d 469, 470 [1st Dept 2010] [holding that the offering plan “reserves for plaintiffs the right.... to construct or extend structures on the roof that may be built without the use of the building’s development rights.”]

As lawyers, Mr. Bragg, Ms. James, Mr. Williams, Mr. Wray and Mr. Garland all certainly know the rewriting of my Offering Plan contract and higher Appellate Court decision by the lower court judge was an unlawful and unconstitutional act, and was done with the deliberate criminal state of mind to help politically-connected people, including Judge Kornreich’s husband’s law firm Greenberg Traurig (who was one of the defendants in the case) get away with their part with stealing the \$70-90 million in air rights that were affirmed to be contractually appurtenant to my then 12th Floor and Roof Unit Apartment after my wife Jane and I refused to sign a waiver of our Unit’s affirmed rights in 2012. (See bullyjudgesny.com to see a copy of the unsigned waiver from 2012).

It should also be noted for Jim Jordan and the members of the House Judiciary Committee that much of the evidence of law enforcement and

judicial corruption were destroyed by YouTube on March 7, 2023 when they took down my channel under false pretenses that my channel had content not permitted under YouTube's rules.

For the benefit of New York City Developer Jeffery Katz and the powerful law firms involved in this plain and clear criminal act, Mr. Bragg colluded with state actor Letitia James and federal actors Damian Williams, Christopher Wray, and Merrick Garland to simply completely ignore addressing this proven crime that was repeatedly shown to them in the attached unanswered 48 letters.

Mr. Bragg's collusion with three federal law enforcement officials certainly means Jim Jordan and the House Judiciary Committee has the jurisdiction and the duty to question Mr. Bragg and all the other perpetrators involved in the cover-up of this plain and obvious crime. Mr. Trump certainly has the right to prosecutors who are not themselves engaging in criminal acts. This is an indisputable fact.

Mr. Bragg, Ms. James, Mr. Williams, Mr. Wray and Mr. Garland and all of their predecessors have all been told about the YouTube video of Jeffery Katz in October 2013 ,shortly after the crime took place, boasting to Crain's New York that he quickly flipped the development lot for a \$120 million-dollar profit but never mentioned the fact that the sale to Frank McCourt also included the 170,000 square feet of air rights that Mr. Katz purchased from 450 West 31st Street Owners Corp for \$9.5 million dollars because he knew the transaction was totally unlawful because Mr. Katz never obtained the signed waiver that he needed from me and my wife Jane that was sent to us to sign, for free, in 2012.

The link below shows the interview from October 2013:
<https://www.youtube.com/watch?v=3kC2m2jSRZ8>

The video shows that at the time of the 2013 interview there were no buildings built yet in the Hudson Yards. The area around the lot is now filled with huge Hudson Yards towers that are over 6 years old but the lot Mr. Katz sold to Frank McCourt still sits empty because of the title issue created by the unlawful transfer of \$70-90 million in development rights that

were affirmed to be contractually appurtenant to my then 12th Floor and Roof Unit Apartment.

The case law below proves it is axiomatic that I had the First Amendment right to file a criminal complaint, and that Mr. Bragg, Ms. James, Mr. Williams, Mr. Wray and Mr. Garland violated that First Amendment right by their joint refusal to accept a criminal complaint from me to remedy this grievance.

“Undoubtedly, Plaintiffs are correct when they state that they have a First Amendment right to file complaints with the government. Hogan v. County of Lewis, 929 F.Supp 2d 130 (District Court ND NY 2013).

“It is axiomatic that filing a criminal complaint with law enforcement officials constitutes an exercise of the First Amendment right to petition government for the redress of grievances.” Lott v. Andrews Ctr., 259 F.Supp.2d 564, 568 (E.D.Tex.2003).

The rights to complain to public officials and to seek administrative and judicial relief are protected by the First Amendment.” Jackson v. N.Y. State, 381 F.Supp.2d 80, 89 (N.D.N.Y.2005).

For the financial benefit of Jeffery Katz, 450 West 31st Street Owners Corp, and the law firms involved in this clearly unlawful act by Judge Kornreich the current and former Manhattan District Attorney, the former and current New York State Attorney General, and the current and former United States Attorney for the Southern District of New York have all gone to great lengths to refuse to permit me from filing a criminal complaint to seek redress for the plain and obvious unconstitutional and criminal conduct proven above.

These facts mandate that Jim Jordan and his House Judiciary Committee question Mr. Bragg and anyone else he wants to question pertaining to this massive public corruption scandal which involved people hired to be Federal Prosecutors and Federal Judges.

The second crime that these five individuals named above are colluding in together is the honest services fraud scheme of trying to ignore and bury the

crime committed by Judge Judy Sheindlin's stepson, Gregory Sheindlin, which forced the sale of my 12th Floor and Roof Unit commercial apartment in New York City on September 5, 2018 to pay his client, Philippe Ifrah of IGS Realty, over \$1.7 million dollar by fraudulently misrepresenting "through implication" that a State Court Jury ruled on their three question June 26, 2015 New York State Jury interrogatory sheets that the personal guarantees I signed with IGS Realty in 2002 and 2003 were enforceable, when Sheindlin and his client Philippe Ifrah know there was never even a question pertaining to the personal guarantees on the three-question June 26, 2015 jury interrogatory sheet.

The fact that this fraudulent criminal act took place by Mr. Sheindlin and his client Phillippe Ifrah is very simply proven by comparing what Mr. Sheindlin wrote to obtain the over \$1.7 million dollar Judgment against me James H. Brady against what Mr. Sheindlin and his attorney Robert Sussman admitted by stipulation at Mr. Sheindlin's May 4, 2021 deposition.

In his 2017 Article 52 Petition Mr. Sheindlin made the following false claims, and nothing more, to obtain what grew to be more than a \$1.7 million-dollar personal guarantee judgment from the New York State Courts against Petitioner:

AND Plaintiff (IGS Realty) having presented all its evidence and rested, and the Defendant (Brady) having presented all its evidence in support of his defenses and having rested, the jury rendered a verdict on June 26, 2015 in favor of Plaintiff against the Defendant, in the sum of \$541,758.62, with the statutory rate of interest accruing from May 1, 2009 and the cost of disbursements to Plaintiff.

Gregory Sheindlin and his attorney Michael Sussman admitted under oath and by stipulation at Mr. Sheindlin's May 4, 2021 deposition in the case Gregory Sheindlin v. James H. Brady, 21-cv-1124 (LJL)(Docket No. 73), that the personal guarantees were not ever even part of the jury verdict questions:

(p. 41-42) MR. SUSSMAN: Hold on. We both can't speak at the same time. The gentleman has explained to you exactly what he did. It's also in the document. The document speaks for itself. It says nothing

about a personal guarantee. That's admitted. We can stipulate to that so we don't have to worry about that.

26 USC App Rule 91 holds that “A stipulation shall be treated, to the extent of its terms, as a conclusive admission by the parties to the stipulation.”

The First Circuit holds that “a party's assertion of fact in a pleading is a judicial admission by which it normally is bound throughout the course of the proceeding.” *Schott Motorcycle Supply, Inc. v. Am. Honda Motor Co.*, 976 F.2d 58, 61 (1st Cir.1992).

“Judicial admissions are formal concessions in the pleadings, or stipulations by a party or its counsel, that are binding upon the party making them. They may not be controverted at trial or on appeal.” *Keller v. United States*, 58 F.3d 1194, 1198 n. 8 (7th Cir.1995).

Stipulated admissions are not actually evidence but rather “formal concessions in the pleadings in the case or stipulations by a party or its counsel that have the effect of withdrawing a fact from issue and dispensing wholly with the need for proof of the fact.” JOHN H. WIGMORE, *WIGMORE ON EVIDENCE* § 2597, at 852 (1981 & Supp. 1991).

Although the evidence proves that on May 4, 2021 Gregory Sheindlin and his attorney Robert Sussman confessed through stipulation that the three question June 26, 2015 State Court Jury interrogatory sheet that Mr. Sheindlin used to force Petitioner lose his livelihood by forcing the sale of Petitioner's 12th Floor and Roof Unit apartment to pay over \$1.7 million dollars to his client Phillippe Ifrah on a personal guarantee on September 5, 2018 never even had any questions, let alone any finding that even pertained to personal guarantees.

In collusion, Mr. Bragg, Ms. James, Mr. Williams, Mr. Wray and Mr. Garland have refused to even acknowledge receipt of the numerous letters they each received.

The evidence in my attached 48 letters proves the only people worse than all of these people hired to be local , state and federal law enforcement officials are the complete liars hired that are entrusted to be State and Federal

Judges. These people hired to be State and Federal Judges have implemented huge sanctions against me and implemented filing injunctions against me with the criminal state of mind of hoping their filing injunctions will help the perpetrators of the two proven crimes get away with never being held accountable for their criminal acts.

The shameful and unlawful acts of New York State and New York Federal Judges is also retaliation against me for creating the website bullyjudges.com in 2012 that was changed to bullyjudgesny.com after the domain name bullyjudges.com accidentally lapsed around 2020. Much of the video filmed evidence of judicial corruption was destroyed by YouTube taking down my channel on March 7, 2023.

To hide their collusion in these two crimes, the Appellate Division, First Department took down the whole year of Oral argument Archives from 2018 and pretended that oral argument archives did not start until the year 2019. My tapes on my YouTube Channel showed oral arguments from January 2018 and May 2018 which proved the Appellate Division, First Department was lying when they now state on their website that oral argument archives did not start till 2019.

Many of the attached 48 letters point to evidence that is shown on tapes on my YouTube channel that YouTube removed on March 7, 2023 under false pretenses to hide the crimes of Mr. Garland and the other people in power.

In truth, YouTube took down my channel on March 7, 2023 because on that day I kept posting the existence of the case of *Brady v. Garland*, 23-cv-00212, under tapes of Senator Josh Hawley and Senator Cruz confronting Merrick Garland and his Justice Department of anti-Catholic bias.

Indeed, in the hours right before I was notified by email that my channel was taken down by YouTube on March 7, 2023, I was notifying people of the case of *Brady v. Garland* 23-cv-00212, so that there would be some public awareness and public scrutiny of how unfairly Mr. Garland was treating me as a white Catholic. The comments were made appropriately in the comments section under the video of Senator Josh Hawley confronting Mr. Garland on his anti-Catholic prejudice on March 1, 2023.

Right before YouTube took down my channel on March 7 2023, they were removing my notifications of the *Brady v. Garland* lawsuit instantaneously in order to censor me and help Mr. Garland hide from the public the case of *Brady v. Garland* as it is more proof of Mr. Garland's prejudice and refusal to give a white Catholic equal protection under the law. My statements were right on topic with the March 1, 2023 video of Senator Josh Hawley confronting Mr. Garland about the evidence of anti-catholic bias in his Justice Department. That link is shown below.

HTTP://www.youtube.com/watch?v=_gEXmJZv93M

Collusion between our government and powerful platforms like YouTube is certainly something Jim Jordan and his committee must investigate. Taking down the YouTube videos also made it so people could no longer go there to listen to the audio of Gregory Sheindlin's May 4, 2021 deposition where he admitted by stipulation that the \$1.7 million dollar judgment he obtained was through his fraudulent misrepresentation "though implication only" that the jury ruled the personal guarantees were enforceable on their June 26, 2015 Jury interrogatory sheets .

For all the above reasons, I urge this Court to deny Mr. Bragg's attempts at to avoid having Mark Pomerantz and himself being questioned by Congressman Jim Jordan and his House Judiciary Committee.

It is also my wish that Senator Jim Jordan give me an opportunity to speak before him and the House Judiciary Committee because no one has more concrete proof of the corruption of our public officials than I have shown in this letter and my accompanying exhibits.

Thank You,

James H. Brady

James H. Brady
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